

Appln No. 09/840,497

Amdt date August 12, 2005

Reply to Office action of May 12, 2005

REMARKS/ARGUMENTS

Claims 1-30 will be pending in this application upon entry of the above amendments. Claims 1, 4-5, 9-11, 13-17, 22-24, and 27-28 have been amended. Claims 29-30 have been added. The amendments find full support in the original specification, claims, and drawings. No new matter has been added. In view of the above amendments and remarks that follow, reconsideration, reexamination, and an early indication of allowance of the now pending claims 1-30.

The specification has been amended as requested by the Examiner, to correct an informality on page 3, line 17. Claim 9 has also been amended as requested by the Examiner to correct an informality. Withdrawal of the objection to the specification and claim 9 is respectfully requested.

Claims 1-11 and 17-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Bertram (U.S. 2002/0064177). Applicant respectfully traverses this rejection.

Claim 1 has been amended to recite "receiving a first data stream for a particular television program," and "receiving a second data stream for the particular television program." (Emphasis added). Bertram fails to teach or suggest this limitation.

Bertram discloses an MPEG transport stream that allows entire programs to be inserted into, or deleted from, the MPEG transport stream without significant retiming operations. (See, Abstract). Bertram explains that a program "is a collection of individual elementary streams" that include "encoded video, audio and other bit streams." (page 1, par. 003, lines 1-6).

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There is no disclosure in Bertram, however, of assigning time slots to these elementary streams. Accordingly, claim 1 is now in condition for allowance.

Independent claims 5 and 17 have been amended to include limitations that are similar to the limitations of claim 1, which make claim 1 allowable. Accordingly, claims 5 and 17 are also in condition for allowance.

Claims 2-4, 6-11, and 18-23 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations contained therein. Specifically with respect to claims 4, 10, and 22, the Examiner contends that the program streams in Bertram "inherently includes reveal commands," and relies on Bertram's disclosure on paragraph 0058, lines 9-13. Although Bertram teaches on paragraph 0058 that a user may "interactively control the delivery of audio-visual information using consumer-friendly commands, such as fast-forward (FF), rewind (REW), pause (PAUSE), play (PLAY) and the like," such commands need not be included in the program streams. Such commands may instead be provided via buttons on a remote controller. Furthermore, nothing in Bertram teaches or suggests that the recited "reveal command" be used for "commanding a receiver to display the interactive content" as is now recited in amended claims 4, 10, and 22.

With respect to claims 11 and 23, these claims have now been amended to recite that "the two first data units are closed caption payload data displayed by a receiver in response to a closed caption reveal command." Bertram fails to teach or suggest inserting the claimed "plurality of second data units"

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in a gap created between the recited "closed caption payload data."

Claims 12-16 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertram and Bauchot (U.S. Patent No. 6,141,336). Applicant respectfully traverses this rejection.

With respect to claim 12, the Examiner acknowledges that "Bertram fails to disclose that the processing unit includes logic for: identifying time slots assigned to the plurality of first data units in the first data stream; reassigning a portion of the plurality of first data units assigned to particular time slots to earlier time slots; and assigning at least a portion of the plurality of second data units in the second data stream to the particular time slots." The Examiner, however, relies on Bauchot to make up for this deficiency.

Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness for claims 12-16 and 24-28.

First, Applicant respectfully disagrees that Bauchot is analogous prior art. The present invention is directed to an "interactive television system." On the other hand, Bauchot is concerned about exchanging data between an asynchronous (ATM) network and a synchronous network. Bauchot is especially concerned about the delay constraints of the connections used to transmit data cells, and proposes using the arrival time of the data cells for determining a deadline of each cell before which the cell has to be transmitted in order to meet a required quality of service. (Col. 2, lines 47-60). The problem addressed in Bauchot, therefore, is not at all pertinent to the

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problem which Applicant was concerned, namely, the problem of time conflicts in merging closed caption data and interactive television data.

Second even if, *arguendo*, Bauchot were analogous prior art, the combination of Bertram and Bauchot would render Bertram's system unsatisfactory for its intended purpose. Bauchot requires that:

"the relative position of each packet associated with a particular program remains the same with respect to the other packets within the program. Thus, one program will not be affected by modifications made to another program, as long as the modification do not affect the relative position of the packets in the one program." (page 2, par. 0025, lines 5-10).

Bauchot's teaching of modifying the transmission time of ATM cells does not ensure that "the relative position of each packet associated with a particular program remains the same with respect to the other packets within the program." Accordingly, claim 12 is in condition for allowance.

Independent claim 24 includes limitations that are similar to the limitations of claim 12, which make claim 12 allowable. Thus, claim 24 is also in condition for allowance.

Claims 13-16 and 25-28 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain. Specifically, claims 13 and 14 recite that the first and second data units are for the same particular television program, which is not taught nor suggested by Bertram.

Claims 15 and 27 include limitations that are similar to the limitations of claims 4, 10, and 22, and are allowable for

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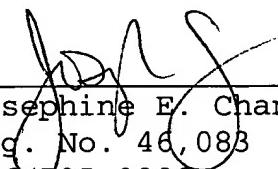
the additional reasons discussed above with respect to claims 4, 10, and 22.

Claims 16 and 28 include limitations that are similar to the limitations of claims 11 and 23, and are allowable for the additional reasons discussed above with respect to claims 11 and 23.

In view of the above amendments and remarks, reconsideration, reexamination, and an early indication of allowance of the now-pending claims 1-30 are respectfully requested.

Respectfully submitted,

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